

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Patrick R. Harrison,)	C/A No. 4:11-989-JFA-TER
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Ronald Myers, Director; and the Alvin)	
S. Glenn Detention Center,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Patrick Harrison brings this action pursuant to 42 U.S.C. § 1983 claiming a variety of violations of his constitutional rights by the defendants. At the time the actions complained of arose, the plaintiff was incarcerated at the Alvin S. Glenn Detention Center (ASGDC). The plaintiff has recently been transferred to the Kirkland Reception and Evaluation Center.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this court should summarily dismiss this action without prejudice. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Recommendation which was filed on June 24, 2011. The plaintiff filed a two-page objection memorandum wherein he contends he did not give his consent for the Magistrate Judge to be assigned to this case and issue a Report and Recommendation and thus, the Report is biased. This objection is misplaced as the Local Rules for the District of South Carolina direct that all prisoner cases relating to conditions of confinement be automatically assigned to a Magistrate Judge. No consent is required by the parties to have the case assigned to the Magistrate Judge. *See* Local Rule 73.02(C)(4).

The plaintiff's other objections generally contend that the Report contains inherent flaws and that it fails to consider the plaintiff's claims of unconstitutionality. He also complains that the cases cited to by the Magistrate Judge in his Report should have been cross referenced with the Southeastern Reporter (which is the only Reporter available at the ASGDC) so that the plaintiff could have researched the issues. The court finds that these objections are without merit and are thus overruled.

After a careful review of the record, the applicable law, the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

October 20, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge